



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

MARY K. SHERWOOD
Assistant Corporation Counsel
msherwoo@law.nyc.gov
Phone: (212) 356-2425
Fax: (212) 356-1148

June 29, 2022

By ECF

Honorable Lewis J. Liman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Robert David v. City of New York, et al.
21 Civ. 10677 (LJL)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendant the City of New York and Correction Officer Regana Daniel (s/h/a Correction Officer Faulk) in the above-referenced matter. I write to respectfully request: (1) that the Court compel Plaintiff to respond to Defendants' Identification Interrogatories by July 12, 2022; and (2) that the Court extend Defendants' time to answer or otherwise respond until thirty (30) days until Plaintiff joins the proper individual defendant.¹ Plaintiff has not provided this Office with a phone number or email address so the undersigned was unable to confer with Plaintiff regarding this request. The Parties are scheduled for a telephonic conference at 5:00 p.m. on July 27, 2022.

By way of background, Robert David ("Plaintiff") initiated this action on December 14, 2021, pursuant to 42 U.S.C. § 1983 against the City of New York, Correction Officer Regana Daniel-Faulk (s/h/a "CO Faulk") and Correction Officer Edward Jefferies (s/h/a "CO Jefferies"). (Dkt. No. 2). Plaintiff alleges that on August 9, 2021, he was "illegally extracted[,] maced[,] and cuffed and shackled at Anna M. Kross Center ("AMKC"), and then placed on a bus. (*Id.* at p. 4). On the bus, Plaintiff alleges that "CO Jefferies" threatened and slapped Plaintiff and two other inmates. (*Id.*). Plaintiff further alleges Correction Officer Faulk then maced Plaintiff and the two other inmates. (*Id.*). Plaintiff further alleges that he was left on bus overnight and later housed in

¹ To be clear, this request contemplates that Plaintiff will file an amended complaint substituting Correction Officer Jefferies with the proper individual to sue.

a “gang house” where he was “jumped and splashed with [b]oiling water” and then subject to unconstitutional confinement conditions. (*Id.*).

Upon information and belief, as stated in Defendants’ previous request for extension, Correction Officer Jefferies is likely not the officer that Plaintiff intends to sue.² Thus, on June 10, 2022, the Court Ordered Defendants answer or otherwise respond to the Complaint by July 12, 2022 pursuant to an extension requested by Defendants; The Court granted this extension “in part to allow time to determine the identities of the proper individual defendants.” (Dkt. No. 36).

The City sent identification interrogatories to Plaintiff on June 9, 2022 to assist it in identifying whom Plaintiff intends to sue. The interrogatories requested Plaintiff’s response within ten (10) days, *i.e.* June 21, 2021. As of the date of this letter, Defendants have not received Plaintiff’s responses to the identification interrogatories. Without the responses to the interrogatories, the City has no method of identifying whom Plaintiff seeks to sue.

Thus, Defendants respectfully request: (1) that the Court compel Plaintiff to respond to Defendants’ Identification Interrogatories by July 12, 2022; and (2) that the Court extend Defendants’ time to answer or otherwise respond until thirty (30) days after Plaintiff joins the proper defendant. Thank you for your attention herein.

Respectfully submitted,




Mary K. Sherwood
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA FIRST-CLASS MAIL**
Robert David
Plaintiff *Pro Se*
89 Porter Avenue
Brooklyn, New York 11237

The request is GRANTED IN PART and DENIED IN PART. Plaintiff is compelled to respond to Defendants’ Identification Interrogatories by July 28, 2022. The individual Defendants’ time to answer or otherwise respond is extended to August 1, 2022. Defendants’ counsel is also hereby directed to make best efforts to obtain Plaintiff’s phone number from the previous counsel of record on behalf of the Corporation Counsel of the City of New York.

6/30/2022

SO ORDERED.



LEWIS J. LIMAN
United States District Judge

² Correction Officer Jefferies was off on August 9, 2021 and was assigned to work a non-transport post at AMKC on August 10, 2021. Plaintiff alleges that he was transferred from AMKC to George R. Vierno Center (“GRVC”) on August 9, 2021 and remained at GRVC on August 10, 2021. Thus, Plaintiff would not have had any interactions with Correction Officer Jefferies.